

Form 3015-1 - Chapter 13 Plan

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

MODIFIED CHAPTER 13 PLAN

In re:

Mary E. Harkonen

Dated: April 13, 2016

DEBTOR

Case No. **16-50040**

In a joint case,

debtor means debtors in this plan.

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ **2,000.00**.
- After the date of this plan, the debtor will pay the trustee \$ **1,000.00*** per **Month** for **58** months, beginning in **April, 2016** f for a total of \$ **69,135.00**. The minimum plan payment length is 36 or X 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee .
- The debtor will pay the trustee a total of \$ **71,919.00** [line 1(a) + line 1(b) + line 1(c)].

*The plan is a step plan which will pay as follows: \$1,000.00 monthly for 31 months, then \$1,411 monthly for 29 months

- PAYMENTS BY TRUSTEE —** The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **7,191**, [line 1(d) x .10].
- ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] —** The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

| Creditor | Monthly Payment | Number of Months | Total Payments |
|---------------|----------------------------|-------------------------|----------------------------|
| -NONE- | \$ <u> </u> | <u> </u> | \$ <u> </u> |
| a. TOTAL | | | 0.00 |

- EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] —** The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

| Creditor | Description of Property |
|--|--------------------------|
| a. AmeriCredit Financial Services | lease of 2015 GMC |

- CLAIMS NOT IN DEFAULT —** Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

| Creditor | Description of Property |
|---------------|-------------------------|
| -NONE- | |

- HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] —** The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. **All following entries are estimates.** The trustee will pay the actual amounts of default.

| Creditor | Amount of Default | Monthly Payment | Beginning in Month # | Number of Payments | TOTAL PAYMENTS |
|-------------------------------|---------------------|-------------------|----------------------|--------------------|---------------------|
| a. Nationstar Mortgage | \$ 33,295.18 | \$ *175.00 | 4 | 60 | \$ 33,295.18 |
| b. Western Bank | \$ 9,546.60 | \$ 350.00 | 4 | 28 | \$ 9,546.60 |
| c. Western Bank | \$ 10,006.68 | \$ 360.00 | 4 | 28 | \$ 10,006.68 |
| d. TOTAL | | | | | \$ 52,848.46 |

***PAYMENT TO NATIONSTAR TO INCREASE TO \$980 IN MONTH 32 OF PLAN.**

- 7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)]** — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

| Creditor | Amount of Default | Int. rate (if applicable) | Monthly Payment | Beginning in Month # | Number of Payments | TOTAL PAYMENTS |
|-----------------|-------------------|---------------------------|-----------------|----------------------|--------------------|----------------|
| -NONE- | \$ _____ | _____ | \$ _____ | _____ | _____ | \$ _____ |
| a. TOTAL | | | | | | \$ 0.00 |

- 8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

| Creditor | Claim Amount | Secured Claim | Int. Rate | Beg. in Mo. # | (Monthly Pmnts) x (No. of Pmnts) = | Pmnts on Account of Claim | (Adj. Prot. from ¶ 3) = | TOTAL PAYMENTS |
|-----------------|--------------------|--------------------|-----------|---------------|------------------------------------|---------------------------|-------------------------|--------------------|
| a. Irs | \$ 3,614.86 | \$ 3,614.86 | 3 | 32 | \$ 220.00 | 19 | \$ 4,180.00 | \$ 0.00 |
| b. TOTAL | | | | | | | | \$ 4,180.00 |

- 9. PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

| Creditor | Estimated Claim | Monthly Payment | Beginning in Month # | Number of Payments | TOTAL PAYMENTS |
|-------------------------|--------------------|-------------------|----------------------|--------------------|--------------------|
| a. Attorney Fees | \$ 2,310.00 | \$ 770.00 | 1 | 3 | \$ 2,310.00 |
| b. Irs | \$ 1,616.53 | \$ PRORATE | | | \$ 1,616.53 |
| c. TOTAL | | | | | \$ 3,926.53 |

- 10. SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: -NONE-
The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

| Creditor | Interest Rate (if any) | Claim Amount | Monthly Payment | Beginning in Month # | Number of Payments | TOTAL PAYMENTS |
|-----------------|------------------------|--------------|-----------------|----------------------|--------------------|----------------|
| -NONE- | _____ | _____ | _____ | _____ | _____ | \$ _____ |
| a. TOTAL | | | | | | \$ 0.00 |

- 11. TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 3,743.31 [line 1(d) minus lines 2, 6(d), 7(a), 8(a), 9(c) and 10(a)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 3,743.31.
- c. Total estimated unsecured claims are \$ 3,743.31 [line 11(a) + line 11(b)].

- 12. TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS —

Special Intentions:

Northland Construction: Debtor is surrendering the Property to Creditor in full satisfaction of the secured claim.

The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

The debtor shall send the Trustee each year during the Chapter 13 Plan copies of his/her federal and state income tax returns at the time they are filed. The debtor shall also promptly report to the Trustee the receipt of any state and federal

tax refunds for the duration of this Chapter 13 case and shall be entitled to retain the first \$1,200 (single debtor) or \$2,000 (joint debtor), plus any earned income credit (EIC) and any Minnesota Working Family Credit. Any remaining amounts shall be turned over to the Chapter 13 trustee as additional plan payments.

Pursuant to 11 U.S.C. Section 1305, Trustee to pay all claims for post-petition income taxes owing for year of filing.

Late filed claims are subject to objection per 11 U.S.C. Section 502(b)(9).

No payments shall be made on account of MDR's secured lien against debtor's or non filing spouse's property. MDR to retain lien.

DEBTOR TO PAY ALL TIMELY FILED UNSECURED CLAIMS IF FULL.

14. SUMMARY OF PAYMENTS —

| | | |
|-------------------------------------|----|------------------|
| Trustee's Fee [Line 2] | \$ | 7,191.00 |
| Home Mortgage Defaults [Line 6(d)] | \$ | 52,848.46 |
| Claims in Default [Line 7(a)] | \$ | 0.00 |
| Other Secured Claims [Line 8(b)] | \$ | 3,956.23 |
| Priority Claims [Line 9(c)] | \$ | 4,180.00 |
| Separate Classes [Line 10(a)] | \$ | 0.00 |
| Unsecured Creditors [Line 11] | \$ | 3,743.31 |
| TOTAL [must equal Line 1(d)] | | 71,919.00 |

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

John F. Hektke 0167666
Hektke Law Office
1217 E. 1st Street
Duluth, MN 55805
218-728-1993
0167666

Signed /s/ Mary E. Harkonen
Mary E. Harkonen
DEBTOR

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: **Mary E. Harkonen,**
Debtor(s).

**Chapter 13
Bankruptcy Case No. 16-50040**

**NOTICE OF HEARING ON
CONFIRMATION OF MODIFIED PLAN**

PLEASE TAKE NOTICE, that a **Hearing on Confirmation of Modified Plan** will be held on **May 23, 2016**, at **9:00 a.m.**, at the US Courthouse, Bankruptcy Court, Courtroom 2, 4th Floor, 515 West First Street, Duluth, Minnesota, 55802.

Dated this 14th day of April, 2016.

By: /s/ John F. Hedtke
John F. Hedtke, #167666
Attorney for Debtor(s)
1217 East First Street
Duluth, Minnesota 55805
(218) 728-1993

**United States Bankruptcy Court
District of Minnesota**

In re Mary E. Harkonen

Debtor(s)

Case No. 16-50040
Chapter 13

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2016, a copy of Notice of Hearing and Modified Plan was served electronically or by regular United States mail to all interested parties, the Trustee and all creditors listed below.

Capital One
Discover Financial
Fryberger Buchanan, Et Al.
Irs
Irs
Irs
Kohls/Capital One
Kyle Carlson
Mn Dept Of Revenue
Nationstar Mortgage
Northland Construction
US Trustee - MN
Wells Fargo Dealer Services
Western Bank
Western Bank

/s/ John F. Hedtke
John F. Hedtke 0167666
Hedtke Law Office
1217 E. 1st Street
Duluth, MN 55805
218-728-1993 Fax: 218-728-0038
john@hedtkelaw.com

In re

Mary E. Harkonen

Debtor(s).

Case No. 16-50040

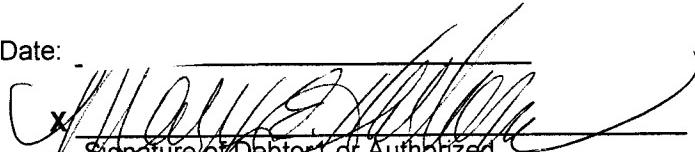
SIGNATURE DECLARATION

- PETITION, SCHEDULES & STATEMENTS
 CHAPTER 13 PLAN
 VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
 MODIFIED CHAPTER 13 PLAN
 OTHER (PLEASE DESCRIBE: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. **[individual debtors only]** If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date:


X _____
Signature of Debtor 1 or Authorized Representative

X _____
Signature of Debtor 2

Mary E. Harkonen

Printed Name of Debtor 1 or
Authorized Representative

Printed Name of Debtor 2

HEDTKE LAW OFFICE

1217 EAST FIRST STREET
DULUTH, MINNESOTA 55805
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John F. Hedtke
ATTORNEY AT LAW

TEL: (218) 728-1993
FAX: (218) 728-0038
800 IN 218 AREA: (800) 404-1655

April 14, 2016

Kyle Carlson
P.O. Box 519
Barnesville, MN 56514

Affected Creditors &
Entities Requesting
Notice

US Trustee
1015 US Courthouse
300 So. 4th Street
Minneapolis, MN 55415

Re: Mary Harkonen
Bankruptcy Case No. 16-50040

Dear Sir or Madam:

Enclosed and served upon you please find copies of a **Notice of Hearing on Confirmation of Modified Plan and Modified Chapter 13 Plan.**

Very truly yours,

/s/ John F. Hedtke

John F. Hedtke

Encl.